

July 24, 2026

RESS & EMAIL

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Attention: Mr. Ritchie Murray, Registrar

Dear Mr. Murray:

Re: EB-2025-0312: Elexicon Energy Inc. (“Elexicon”) 2027-2031 Electricity Distribution Rates (the “Application”) – Undertaking Responses and AMI 2.0 Business Case Confidentiality Request Reply Submission

On July 10, 2026, Elexicon filed undertaking responses and the AMI 2.0 Business Case (Exhibit 2B, Tab 4, Schedule 3, Appendix D, Attachment 1) with the Ontario Energy Board (“OEB”). On the same day, Elexicon submitted a request for confidential treatment of certain information contained therein (the “**Confidentiality Request**”) pursuant to the OEB’s Practice Direction on Confidential Filings (the “**Practice Direction**”).

On July 15, 2026, Pollution Probe filed comments setting out its position in respect of the proposed redactions AMI 2.0 Business Case only. These reply submissions address Pollution Probe’s objections to the proposed redactions in the AMI 2.0 Business Case.

General Response

Pollution Probe asserts generally that “the majority, if not all the redacted areas” of the AMI 2.0 Business Case do not adequately meet the considerations in Appendix A to the Practice Direction. Elexicon respectfully disagrees.

Elexicon submits that it has taken a targeted and balanced approach to its confidentiality request, limiting the scope of its redactions to an extent commensurate with the commercial sensitivity of the information at issue, consistent with the expectations set out in section 5 of the Practice Direction. Elexicon has not deviated from the general approach to confidentiality that it has applied

throughout this proceeding and that the OEB has previously accepted. As in those prior requests, Elexicon has limited its redactions to specific, discrete portions of the document that engage recognized grounds under the Practice Direction, while maximizing the information available on the public record.

Pollution Probe’s concerns regarding the scope of Elexicon’s redactions, access to confidential documents, and procedural challenges are not properly substantiated. Their submissions do not identify any specific redaction that fails to meet the criteria set out in the Practice Direction, nor do they provide any analysis of how the factors in Appendix A apply to the specific redacted information. Rather, Pollution Probe makes only a generic, conclusory assertion that the redactions are not warranted. Elexicon submits that this is insufficient to meet the standard contemplated by section 5.1.7 of the Practice Direction, which requires that an objection “address the reason why the party believes that the information that is the subject of the request for confidentiality is not confidential, in whole or in part, by reference to the grounds for confidentiality expressed by the party making the request for confidentiality.” Pollution Probe’s submission does not meet this standard.

Elexicon also notes that neither OEB staff nor any other party to the proceeding filed submissions or took a position with respect to Elexicon’s confidentiality request for the AMI 2.0 Business Case. This further supports that Pollution Probe’s concerns are without merit.

Without prejudice to the foregoing, Elexicon addresses each of the three categories of redacted information below.

Cybersecurity Risk (pp. 14–15, 19, 52, 54–56)

Elexicon reiterates its position in the Confidentiality Request that the disclosure of the above-noted information can introduce cybersecurity risk, and provides the following additional submissions. The disclosure of the information in question reveals technical aspects about the system architecture of the metering systems, including information about how data is integrated across different systems, as well as information that explicitly identifies cybersecurity vulnerabilities with the existing metering infrastructure and systems which house critical customer and financial information. If publicly disclosed, this information can harm the utility and its ratepayers.

For example, Nova Scotia Power Inc. (“NSPI”) experienced a significant cybersecurity incident in 2025 that affected portions of its corporate, customer-service, billing, and metering-support technology environment. Specifically, one of the compromised systems was NSPI’s AMI head end system.¹ NSPI reported that an unauthorized third party gained access to systems containing customer information and that personal information relating to a large number of customers may have been exposed. The breach created several major challenges, including disruption of customer billing systems, increased reliance on manual meter-reading and business processes, restoration of

¹ M12273, Nova Scotia Power, Board Inquiry into Nova Scotia Power’s Cybersecurity Incident (December 22, 2025), p. 11.

critical IT and cybersecurity systems, and management of customer privacy concerns arising from the potential exposure of personal information.

Pollution Probe has not identified any specific reason why this information does not pose a cybersecurity risk, nor does Pollution Probe explicitly state that the redactions pertaining to cybersecurity specifically are problematic. Pollution Probe only mentioned specific concerns about redacting “information/graphs that relate to legacy metering infrastructure compared to AMI”. Because Pollution Probe does not identify any specific page numbers or graphs that it is concerned with, Elexicon is not clear about the extent of the specific redactions being referenced. For example, Figure 10: *First and Second-Generation AMI Feature Comparison* (page 21) most closely meets the description of the information in question; however, this information and the surrounding text is not redacted.

That said, Elexicon recognizes that it has redacted information and graphs that describe system architecture of the legacy metering infrastructure and certain deficiencies with the legacy AMI that can give rise to cybersecurity risk (at the page numbers identified in this section above). As discussed above, the public disclosure of this information can be used by a malicious actor to gain unauthorized access into metering systems and systems that are integrated with it, including systems that house personal and customer information. The public disclosure of this information can give rise to very serious cyber security harms, as illustrated by the NSPI incident. Elexicon submits that preventing these harms to Elexicon and its customers is of critical importance and is in the public interest, and outweighs any procedural inconvenience that might arise from treating this information as confidential.

Information that can Interfere with a Future Competitive Procurement Process (pp. 2, 4–5, 16, 18, 27–28, 39, 41–47, 50–51)

Elexicon reiterates its position in the Confidentiality Request that the public disclosure of the above-noted information can interfere with a future competitive procurement process, and provides the following additional submissions in support of this position. Elexicon has not yet completed its procurement process for AMI 2.0. The AMI 2.0 Business Case was prepared to evaluate the merits of various vendor options and deployment strategies in advance of issuing a future request for proposals (“RFP”). The redacted information includes Elexicon’s analysis of specific vendor capabilities, comparative cost assessments, evaluation criteria, and the framework by which Elexicon is assessing the relative merits of the vendor options. Disclosing this information would reveal Elexicon’s commercial expectations, negotiating parameters, and assessment methodology to potential vendors in a future competitive process.

The disclosure of Elexicon’s assessment of vendor pricing, cost-benefit comparisons, and evaluation of deployment options could interfere with negotiations (Appendix A, Part iii) and could result in financial loss to Elexicon and its ratepayers (Appendix A, Part iv). If prospective participants in a future RFP had access to this analysis, they could tailor their bids to Elexicon’s known preferences and cost expectations rather than bidding on the basis of their own true costs and competitive market pricing. A vendor with knowledge of Elexicon’s internal cost expectations

could price its bid at or just below the level it believes Elexicon is prepared to pay, anchoring pricing to Elexicon’s disclosed budget rather than to genuine competitive pressure. This dilutes the competitiveness of the process, interferes with Elexicon’s ability to negotiate more favourable pricing, and as a result could increase the costs of AMI 2.0 deployment that rate payers will ultimately be responsible for. This would prejudice Elexicon’s competitive position as a purchaser in future negotiations.

This harm is compounded by the risk that disclosure could disincentivize participation in the future procurement process. The redacted information identifies two specific AMI 2.0 vendor options by name and includes Elexicon’s detailed comparative assessment of their respective offerings. A vendor who learns that Elexicon has undergone a preliminary evaluation of its relative strengths and weaknesses or has already assessed its offering as less competitive than a rival’s may decline to participate in the RFP, believing it cannot succeed. This would dilute the competitiveness of the procurement process and place upward pressure on solution pricing, to the detriment of Elexicon and its ratepayers.

Public disclosure would also prejudice the competitive position of those vendors by revealing commercially sensitive aspects of their capabilities and pricing relative to each other (Appendix A, Part a(i)).

In addition, the Practice Direction recognizes that information about unsuccessful participants of a procurement process warrants heightened sensitivity as copies of unsuccessful bids received in a competitive procurement process are presumptively confidential, (Appendix B, Part 4). Although the information at issue does not fall squarely within that category, the harms associated with its disclosure are analogous to those associated with disclosing an unsuccessful proposal.

Pollution Probe specifically mentioned its concern about redacting “costs range underlying the AMI 2.0 Business Case”. These costs (at page 5, and page 42, Table 6) represent the range of project costs depending on outcomes of the procurement, as explained in the AMI 2.0 Business Case at page 5:

*Based on the enhanced bottom-up estimation rigour, validated through spot consultations with peer utilities and a meter installation vendor (all of whom were able to comment on Elexicon’s directional estimates rather than offer specific figures), the revised cost estimate for the AMI 2.0 foundation project as described in this business case is a range of \$[redacted], **which reflects the modelled capital cost forecast range across the three vendor scenarios** for an eight year deployment period...*

Table 6 on page 42 (redacted) demonstrates how this range reflects the expected outcome from the “Honeywell consolidation” scenario, “Sensus consolidation” scenario, and “Third-[party] vendor” scenario.

These cost ranges reflect vendor-specific pricing estimates about competitive procurement outcomes that, if disclosed, would reveal Elexicon’s commercial expectations and budget parameters for future procurement. Therefore, this is a clear example of information that, if publicly disclosed, could give rise to the harms articulated in this section, including stifling competition and contributing to higher AMI 2.0 prices.

These harms justify the removal of this information from the public record, and outweigh any effort associated with the procedural steps to maintain the confidentiality of this information (as discussed in the “Procedural Challenges” section below). Although Elexicon recognizes that the total AMI 2.0 project costs are relevant to the Application, these costs offer limited probative value to this Application. While the AMI 2.0 project costs are predicated on Elexicon’s expected outcomes of the forthcoming RFP and vendor pricing, Elexicon is not proposing to recover the full amount of these costs as part of this Application. The project costs that Elexicon is seeking to recover as part of this Application (i.e., in respect of the future rate period) are already disclosed on the public record and are not changing in light of Elexicon filing the AMI 2.0 Business Case.²

Third-Party Pricing Information (pp. 34, 36, 39)

Elexicon reiterates its position in the Confidentiality Request that the public disclosure of the above-noted information consists of third-party unit pricing or billing rates, and provides the following additional submissions in support this position.

This category of information is presumptively confidential under Appendix B, parts 1 and 2 of the Practice Direction. Where information fits within a presumptively confidential category, the Practice Direction contemplates that confidential treatment will be accorded absent an objection that provides specific reasons why the presumption should not apply. Pollution Probe has not provided any such reasons.

In the alternative, if the OEB does not agree that this information constitutes costs of unit pricing or billing rates – which Elexicon maintains is the case – the public disclosure of this information should also be redacted on the grounds that it can interfere with a future competitive procurement process, for the reasons described under the prior heading.

Procedural Challenges

Pollution Probe asserts that certain redactions “could cause unwarranted procedural challenges during the proceeding should they be approved as confidential and remain redacted.” Elexicon submits that there is no basis to conclude that the confidential treatment of the relevant information will impede Pollution Probe or any other party from effectively participating in this proceeding. Although there are procedural steps associated with preserving the confidentiality of the information (including making part of the hearing *in camera*), any effort required to maintain the confidentiality of the proposed redactions is justified as the harms associated with the public

² Exhibit 2B, Tab 4, Schedule 3, Appendix D, page 24, lines 2-3

disclosure of this information outweigh the potential inconvenience associated with additional procedural steps. Pollution Probe has failed to demonstrate or even explain how the level of required effort is burdensome to the extent that it outweighs the potential harms associated with the disclosure of this information.

Pollution Probe provided the examples of “costs range underlying the AMI 2.0 Business Case” and “information/graphs that relate to legacy metering infrastructure compared to AMI” as the type of information that may cause these procedural challenges. Elexicon submits that for the reasons provided in these submissions in respect of these examples, the serious harms that can materialize from the public disclosure of this information – namely, exposing Elexicon to the risk of cyber breach, and the interfering with the competitive procurement – far outweigh the nominal effort associated with procedural steps to maintain confidentiality.

With respect to Pollution Probe’s recommendation for the “OEB [t] require Elexicon to file a copy of the unredacted document”, Elexicon notes that an unredacted version of the AMI 2.0 Business Case available continues to be available on its ShareFile site hosted by Torys LLP and that Elexicon has received the Declaration and Undertaking from Pollution Probe, as required by the Practice Direction, to access it.

Conclusion

For the foregoing reasons, Elexicon respectfully requests that the OEB: (i) grant confidential treatment of the redactions in the undertaking responses, which were not challenged by any party or OEB Staff; and (ii) grant confidential treatment of the redactions in the AMI 2.0 Business Case.

Sincerely,



Daliana Coban

cc: Erin Stevens, *Elexicon Energy Inc.*